

9/7

EPA's Emergency Response Team mobilized to the site on 9/7/2007. OSC Ruhl initially met with the USCG FOSC responsible for USCG actions to date. USCG FOSC Diehl discussed the current situation, objectives, and needs. TCEQ, NOAA and the USCG Gulf Strike Team were also on scene. Initial objectives included eliminating the illegal discharge and assessing the damage caused by the discharge. The RP alleged that the discharge must continue to prevent a catastrophic failure of the retaining wall.

EPA's START-3 contractor provided a Tier 1 response and provided engineering support to evaluate the structural integrity of the failed retaining wall. EPA's Emergency Response Team (Edison, NJ), EPA's R6 Enforcement Division, and EPA HQ OECA, and an EPA HQ OECA contractor also provided critical assistance during the initial phase of the incident.

Upon EPA's arrival, the RP was discharging from the South Gyp Stack to Cotton Patch Bayou to the Houston Ship Channel. The RP was adding bagged fly ash to the discharge. This was done in an attempt to neutralize the acid prior to entering the Houston Ship Channel.

A structural assessment was conducted by EPA START3 contractor and an Agrifos engineer of the retaining wall to determine the structural integrity of the wall. The assessment determined that the area in which the breach occurred must be repaired before it can be used. It was determined that this area could be isolated and the remaining retaining wall be used. Upon this determination, EPA, USCG, and TCEQ requested the RP to discontinue the pumping and discharge of the process water to Cotton Patch Bayou. The RP discontinued the pumping of the discharge at approximately 1800 on 9/7/2007.

The RP initiated a feasibility study to utilize the facility's WWTP for the treatment of process water. Assisting in the study was EPA's Michael Williams (EPA R6 Enforcement) and EPA START-3 and OECA contractors. It was determined that the facility WWTP could treat the effluent but would likely exceed permitted ammonia concentrations. It is expected that the WWTP could treat up to 275,000 gallons per day.

The RP and Harris County Pollution Control conducted sampling of discharged material. It is estimated that sample results will be available in 7 days. The RP is conducting pH monitoring three times per day.

ICS is being utilized for the response. EPA continues to operate within unified command. The RP, TCEQ, and the USCG are represent as the UC/IC.